

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|---------------|---|-------------------|-----------------------|
| Applicant: | Fishman et al. | Confirmation No.: | 8749 |
| Serial No.: | 10/656,873 | Art Unit: | 1634 |
| Filed: | September 5, 2003 | Examiner: | Jehanne Souaya Sitton |
| Customer No.: | 21559 | | |
| Title: | Methods for Diagnosing and Treating Heart Disease | | |

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
UNDER 37 C.F.R. § 41.31

Applicants respectfully appeal to the Board of Patent Appeals and Interferences from the decision dated January 29, 2009, in which the Office finally rejected claims 1-3, 21, 22, 33 and 34 of the above-captioned patent application.

Enclosed pursuant to 37 C.F.R. § 1.136 is a Petition to extend the period for replying to the final rejection for 3 months, to and including July 29, 2009.

Applicants hereby authorize the Office to charge \$540.00 to Deposit Account No. 03-2095 for the fee required by 37 C.F.R. § 41.20(b)(1) for this Notice of Appeal.

If there are any additional charges or any credits, please apply them to Deposit Account

No. 03-2095.

Respectfully submitted,

Date: July 29, 2009

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